

NEAL S. MANNE (94101)
 RICHARD W. HESS (*pro hac vice*)
 SUSMAN GODFREY L.L.P.
 1000 Louisiana, Suite 5100
 Houston, Texas 77002
 Telephone: (713) 651-9366
 Facsimile: (713) 654-6666
 nmanne@susmangodfrey.com
 rhess@susmangodfrey.com

MARC SELTZER (54534)
 STEPHEN E. MORRISSEY (187865)
 KATHRYN P. HOEK (219247)
 SUSMAN GODFREY L.L.P.
 1901 Avenue of the Stars, Suite 950
 Los Angeles, CA 90067
 Telephone: (310) 789-3100
 Facsimile: (310) 789-3150
 mseltzer@susmangodfrey.com
 smorrissey@susmangodfrey.com

Attorneys for Defendant Walmart.com USA LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JESSE RANDLE, on behalf of himself and others
 similarly situated,

Plaintiff,

v.

NETFLIX, INC., and WALMART.COM USA LLC,

Defendants.

Civil Action No. CV-09-00962-MEJ

**DECLARATION OF KATHRYN P.
 HOEK IN SUPPORT OF
 ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED**

1 I, Kathryn P. Hoek, declare as follows:

2 1. I am a member in good standing of the California State Bar, an attorney at the law
3 firm of Susman Godfrey LLP, and counsel of record for Defendant Walmart.com USA LLC in
4 *Randle v. Netflix, Inc.*, Case No. CV-09-00962-MEJ ("*Randle*"). I make this declaration based on
5 my personal knowledge, and if called to testify to the contents, I could and would competently do
6 so.

7 2. Attached as Exhibit 1 is a chart of the cases currently on file in the United States
8 District Court for the Northern District of California, that have been deemed related to *Resnick v.*
9 *Walmart.com USA LLC*, Case No. CV-09-00200-PJH ("*Resnick*").

10 3. Attached as Exhibit 2 is a true and correct copy of the class action complaint in
11 *Randle*, filed on February 17, 2009 in the Superior Court of the State of California in and for the
12 County of Santa Clara, and removed on March 5, 2009 to the United States District Court for the
13 Northern District of California.

14 4. Attached as Exhibit 3 is a true and correct copy of the class action complaint in
15 *Resnick*, filed on January 2, 2009 in the United States District Court for the Northern District of
16 California.

17 5. Pursuant to Local Civil Rule 7-11, attached as Exhibit 4 is the stipulation reached
18 by the parties as to the relation of *Randle* and *Resnick*.

19

20 Dated: March 12, 2009

Respectfully submitted,

21

SUSMAN GODFREY L.L.P.

22

23

By: /s/ Kathryn P. Hoek

24

Neal S. Manne
Richard W. Hess
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666

25

26

27

28

Marc M. Seltzer
Stephen E. Morrissey
Kathryn P. Hoek

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150

*Attorneys for Defendant Walmart.com USA
LLC*